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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM FIGUEROA, 92A7213,

Plaintiff,

-v-

DECISION AND ORDER
07-CV-0018S(Sc)

Correctional Officer P. STORM,
Correctional Officer BOCZAR,
Correctional Hearing Officer KEARNEY,
Correctional Hearing Officer SCHOELLOPF,
and Correctional Sergeant SINDONI,

Defendants.

FILED
U.S. DISTRICT COURT
W.D.N.Y. ROCHESTER
2007 MAY 23 2:18 PM

Plaintiff, who is incarcerated in the Sullivan Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff has made a motion for appointment of counsel. Plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

There is insufficient information before the Court at this time to make the necessary assessment of plaintiff's claims under the standards promulgated by *Hendricks v. Coughlin*, 114 F.3d 390, 392 (2d Cir. 1997), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986), as issue has yet to be joined. Therefore plaintiff's motion for appointment of counsel is denied without prejudice at this time.

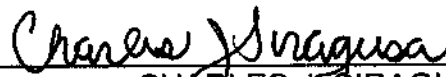
The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the

named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

Dated: MAY 22, 2007
Rochester, New York



CHARLES J. SIRAGUSA
United States District Judge